

STAFF REPORT

SUBJECT: Smith Canal Gate Project, Plan Participation and Buffer Reduction

RECOMMENDED ACTION: Motion to 1) Allow the Smith Canal Gate Project to Participate in the SJMSCP and; 2) Allow a Revision to the Incidental Take Minimization Measures for Giant Garter Snake (GGS) and Western Pond Turtle (WPT) Buffers

DISCUSSION:

SUMMARY:

The project applicant, San Joaquin Area Flood Control Agency, is requesting coverage under the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Although the project is in a mapped area of the plan, the project needs to be allowed to participate due to the United State Army Corps of Engineers (USACE) Clean Water Act Section 404 permit. The project is located on the west side of Interstate 5 and south of Country Club Avenue, Stockton in the Central Zone (attachments 1 & 2).



RECOMMENDATION:

SJCOG, Inc. staff and HTAC recommend the SJCOG, Inc. Board to:

- 1) Allow the project to participate under the SJMSCP to provide biological coverage for the project impacts to the habitat types under the federal and state permits;
- 2) Allow a revision to the Incidental Take Minimization Measures for Giant Garter Snake (GGS) and Western Pond Turtle (WPT).

FISCAL IMPACT:

If the project is approved, SJCOG, Inc. will be provided mitigation for the project impacts as required under the SJMSCP for approximately 10.0 acres. The impacts for this project would consist of 10.0 acres of Urban (U) habitat impacts. There is no fee for Urban impacts.

BACKGROUND:

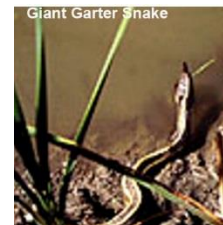


San Joaquin Area Flood Control Area (SJAFC) is proposing to construct a gate-type closure structure at the mouth of Smith Canal, adjacent to the San Joaquin River, in and adjacent to the city of Stockton. The project is needed because the existing levees along the Smith Canal are heavily encroached upon and cannot be certified as meeting Federal Emergency Management Agency (FEMA) standards or the State's Urban Levee Design Criteria. This leaves approximately 8,000 properties and 24,000 people with increased flood risk.

The project would conform to federal and state flood risk-reduction criteria by isolating Smith Canal from the San Joaquin River during high water events, allowing existing Smith Canal levees to function as a secondary means of reducing flood risk. Further, implementing this project would remove the affected region from the FEMA 100-year floodplain, contribute toward 200-year protection in combination with other projects, secure FEMA accreditation, and eliminate mandatory flood insurance.

The project will include a fixed cellular sheet pile floodwall, miter gate structure, improvements to Dad's Point, and additional access improvements to the Stockton Golf and Country Club. Much of the work would be accomplished from barges. On land, construction access would be through public roads including Louis Park access road and the Stockton Golf and Country Club, which are located to the southeast and northwest of the project site, respectively. Portions of Louise Park parking lot will be used as a construction staging area (attachment 3).

For the proponents to demo and construct the Smith Canal Gate Project, the project will impact potential Giant Garter Snake (GGS) habitat within the suggested 200-foot buffer and Western Pond Turtle (WPT) within the 300-foot buffer. As identified in Section 5.59 of the Plan, HTAC, on a case by case review, can establish a setback and buffer zone to be used by the project in place of the 200 and 300 feet suggested.



Because construction of portions of the project will be within the suggested 200-foot and 300-foot buffer areas, the project proponent has requested a reduction in the buffer to a 0' setback for the construction of the Smith Canal Gate Project on Smith Canal for site impacts. The reduction of these buffers is necessary for the construction of this project. All other ITMM measures for GGS (*e.g. construction window between May and October and required survey work*) and WPT will remain standard. Reducing the buffer for GGS and WPT will allow the project to construct up to 0' feet of the banks of the Smith Canal during the species' active period. However, the project will be required to meet all other ITMM measures for GGS and WPT, such as biological surveying efforts, constructing within the standard May 1 to October 1 active period and mitigating for project impacts.

The SJMSCP GIS habitat layer classifies the project site as Urban (U) Habitat.

If allowed to participate in the SJMSCP, the total disturbed area will consist of 10.0 acres of Urban (U) impacts. The project applicant will be responsible for mitigating for the habitat

impacts that is consumed by this project by either paying the appropriate fees at the time of ground disturbance or dedicating land in lieu of a fee at the appropriate SJMCP ratio. There is no fee for Urban (U) impacts.

Adjacent Vegetation and Land Use

Location	SJMSCP Vegetation Map Classification	Habitat Type Category	Actual Use Of Property
Site	Urban (U)	Urban (U)	Urban (U)
North	Urban (U)	Urban (U)	Urban (U)
South	Urban (U)	Urban (U)	Urban (U)
East	Urban (U)	Urban (U)	Urban (U)
West	Urban (U), Natural (W)	Urban (U), Natural (W)	Urban (U), Natural (W)

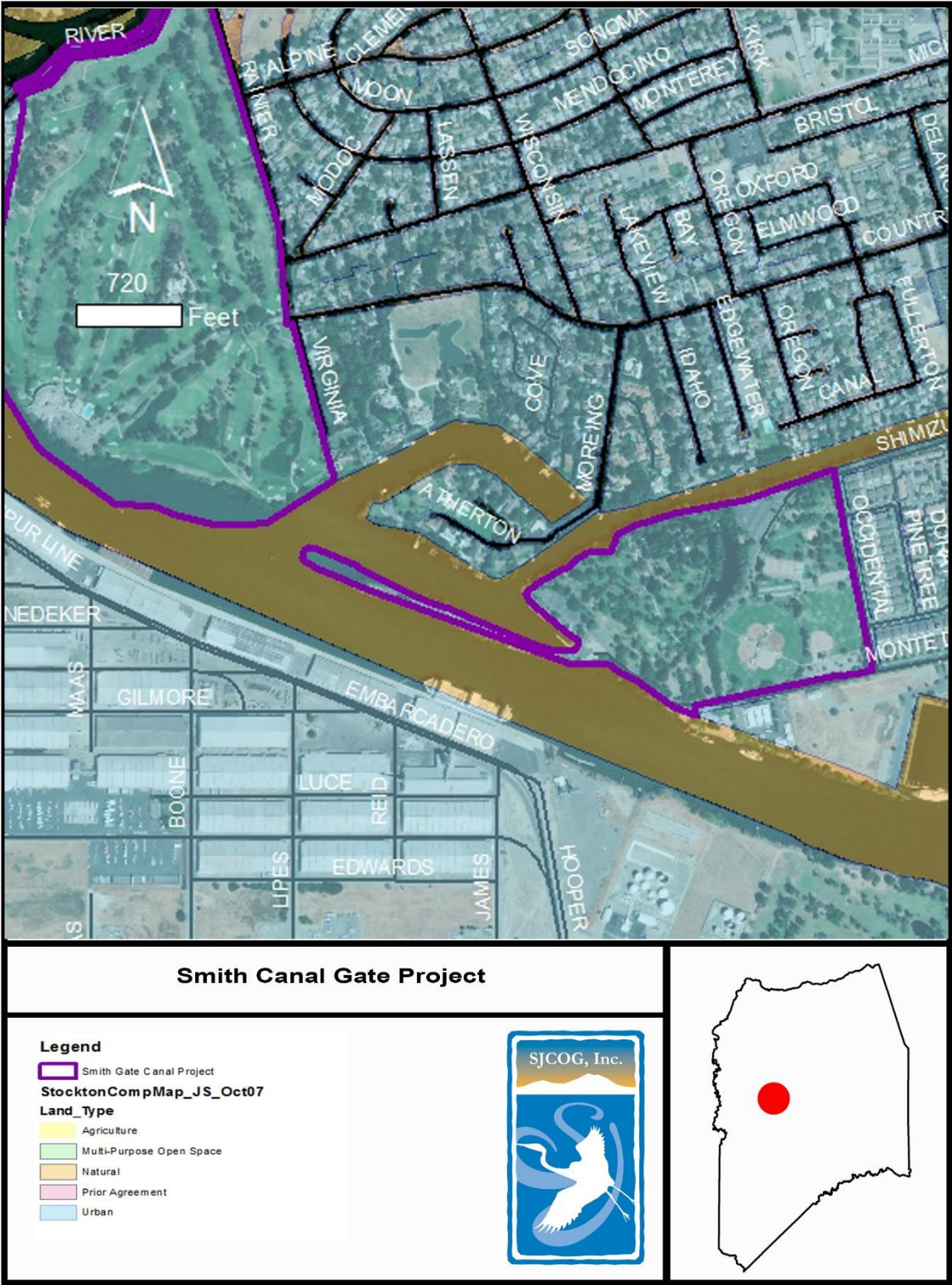
COMMITTEE ACTIONS:

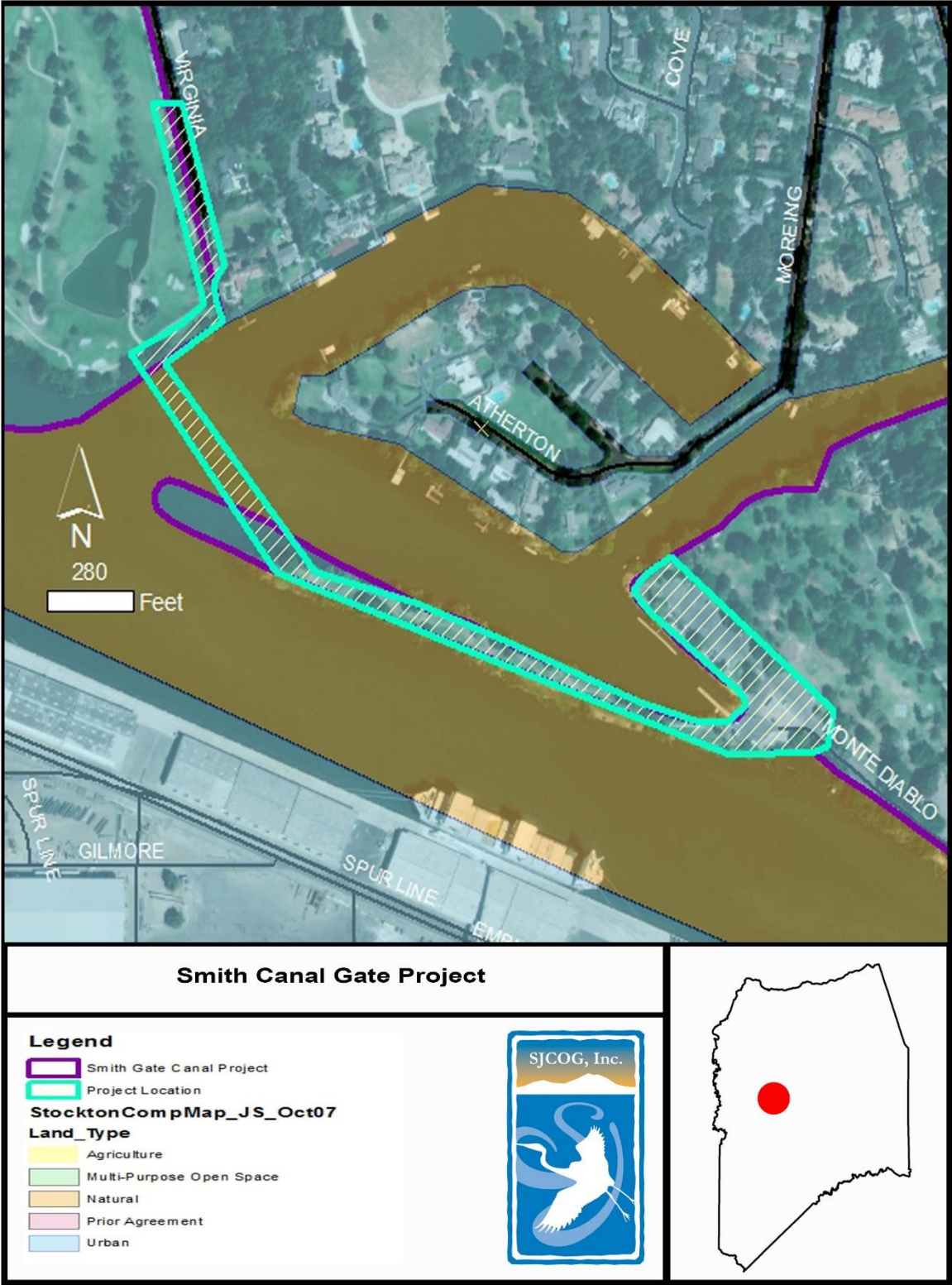
- Habitat Technical Advisory Committee: Recommended for Approval
- SJCOG, Inc. Board: Action Required

ATTACHMENTS:

1. General Location Map
2. Project Location Map
3. Project Site Map

Prepared by: Laurel Boyd, Associate Habitat Planner





ATTACHMENT 3

